

Before the  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. 02-136
FM Broadcast Stations	)	RM-10458
(Arlington, The Dalles, Moro, Fossil, Astoria,	)	RM-10663
Gladstone, Portland, Tillamook,	)	RM-10667
Springfield-Eugene, Coos Bay, Manzanita	)	RM-10668
and Hermiston, Oregon, and	)	
Covington, Trout Lake, Shoreline, Bellingham,	)	
Forks, Hoquiam, Aberdeen, Walla Walla,	)	
Kent, College Place, Long Beach and	)	
Ilwaco, Washington)	)	

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

**WITHDRAWAL OF COUNTERPROPOSAL**

Mid-Columbia Broadcasting, Inc. ("Mid-Columbia"), licensee of Station KMCQ(FM), The Dalles, Oregon; First Broadcasting Investment Partners, LLC ("First Broadcasting"), licensee of Station KLLM(FM), Forks, Washington; and Saga Broadcasting, LLC ("Saga"), licensee of Station KAFE(FM), Bellingham, Washington (together, "Joint Parties"), hereby withdraw their Counterproposal for Channel 283C2 at Kent, Washington, filed in this proceeding on July 29, 2002. Instead, the Joint Parties request that the Commission consider the original petition filed in this proceeding to delete Channel 283C from The Dalles, Oregon and allot Channel 283C3 to Covington, Washington, as its first local service, with a modification of the license for Station KMCQ accordingly. In support hereof, the following is stated:

1. The Joint Parties have decided that they will not pursue the Counterproposal submitted in response to the *Notice of Proposed Rule Making*, 17 FCC Rcd 10678 (2002), in this

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proceeding. Saga no longer consents to the substitution of Channel 281C for 282C at Bellingham, Washington as specified in their Kent counterproposal. Saga is submitting a separate response to the *Order to Show Cause* arguing that the Commission should not require it to operate on Channel 281 with a reduction in power toward Canada in order to accommodate a proposal by Triple Bogey, LLC, et al. ("Triple Bogey"). As a result, the Joint Parties believe that the Triple Bogey proposal is defective and, as the Joint Parties have argued in several earlier pleadings, that proposal to the extent it relies on the substitution of Channel 281C for 282C for KAFE at Bellingham with reduced power must be dismissed. *See e.g. Parker, Arizona*, 17 FCC Rcd 9578 (2002) (dismissing counterproposal for lack of consent.) Therefore, the basis for the *Order to Show Cause* has been removed and the *Order* should be withdrawn.

2 The Joint Parties hereby seek Commission approval of the withdrawal of their amended proposal pursuant to Section 1.420(j) of the Commission's Rules. The Joint Parties individually affirm that they have not been promised or paid, directly, or indirectly, any compensation in exchange for the withdrawal. *See* attached Declarations.

3. The Petitioners (without Saga) request reinstatement of their original proposal. The Commission reinstated a proposal under virtually identical circumstances in *Wickenburg and Salome, Arizona*, 17 FCC Rcd 7222 (2002). There, the joint parties withdrew their counterproposal in favor of the original petition. The Commission reinstated and granted the petition. *Id.* A similar result was reached in *Springfield, Tennessee, Oak Grove and Trenton, Kentucky*, 18 FCC Rcd 25628 (2003). There, as here, the petitioner's amended proposal proposed a different community of license. The amendment had been accepted pursuant to *Taccoa, Georgia*, 16 FCC Rcd 21191 (2001). However, when the petitioner withdrew the amended proposal, the Commission reinstated and granted the original petition. *Id.* In accord

with precedent, the Commission should reinstate the Petitioners' original request for Covington, Washington

4. Finally, the Commission should grant the Petitioners' original proposal. As set forth in the petition, Covington, Washington (2000 U.S. Census pop. 13,801) is preferred over The Dalles, Oregon (2000 U.S. Census pop. 12,156) under the Commission's allotment priorities, since Covington will be gaining its first local service, and The Dalles will retain local service from four other radio stations. *See Revision of FM Assignment Policies and Procedures*, 90 F.C.C.2d 88 (1982). The Joint Parties submitted all necessary showings in support of their proposal when the original petition was filed including the showings which comply with the various policies relating to a change in community of license. No additional information is being submitted with this request in order for the Commission to consider the original proposal. As the Joint Parties noted in their Reply Comments, the counterproposals of New Northwest Broadcasters, LLC and Two Hearts Communications, LLC are not mutually exclusive with the Petitioners' proposal because alternate channels are available at Trout Lake, Washington and Arlington, Oregon, respectively. The Petitioners reiterate that if their proposal is granted they will apply for Channel 283C3 at Covington and construct the facilities.

WHEREFORE, for the foregoing reasons, the Commission should: (i) consider the Petitioners' original proposal; (ii) dismiss Triple Bogey's counterproposal; (iii) withdraw the Order to Show Cause; and (iv) grant the Petitioners' proposal as set forth in the *Notice of Proposed Rule Making*

Respectfully submitted,

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INC.

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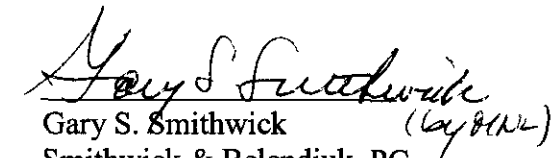


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Its Counsel

April 26, 2004

### **CERTIFICATION**

I, Samuel D. Bush, state as follows:

1. I am the treasurer of Saga Broadcasting, LLC ("Saga").
2. There are no agreements, written or oral, between Saga and any other party regarding the withdrawal of the Mid-Columbia, First Broadcasting Investment Partners, LLC, and Saga Broadcasting, LLC, Counterproposal in MB Docket No. 02-136.
3. Neither Saga nor its principals have received or will receive any money or other consideration in exchange for the withdrawal of the Saga, First Broadcasting Investment Partners, LLC, and Mid-Columbia Broadcasting, Inc. Counterproposal in MB Docket No. 02-136.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on April 26, 2004.

  
\_\_\_\_\_  
Samuel D. Bush, Treasurer

**CERTIFICATION**

1, John E. Huffman, state as follows:

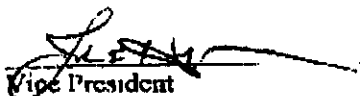
1. I am the Vice President of Mid-Columbia Broadcasting, Inc ("Mid-Columbia")

2. There are no agreements, written or oral, between Mid-Columbia and any other party regarding the withdrawal of the Mid-Columbia, First Broadcasting Investment Partners, LLC, and Saga Broadcasting, LLC Counterproposal in MB Docket No. 02-136.

3. Neither Mid-Columbia nor its principals have received or will receive any money or other consideration in exchange for the withdrawal of the Mid-Columbia, First Broadcasting Investment Partners, LLC, and Saga Broadcasting, LLC Counterproposal in MB Docket No. 02-136.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief

Executed on April 23, 2004.

  
Vice President

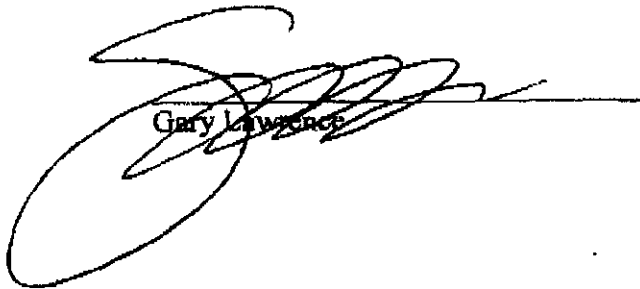
### **CERTIFICATION**

I, Gary Lawrence, state as follows:

1. I am the President of First Broadcasting Investment Partners, LLC ("First Broadcasting").
2. There are no agreements, written or oral, between First Broadcasting and any other party regarding the withdrawal of the First Broadcasting, Saga Broadcasting, LLC, and Mid-Columbia Broadcasting, Inc. Counterproposal in MB Docket No. 02-136.
3. Neither First Broadcasting nor its principals have received or will receive any money or other consideration in exchange for the withdrawal of the First Broadcasting, Saga Broadcasting, LLC, and Mid-Columbia Broadcasting, Inc. Counterproposal in MB Docket No. 02-136.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on April 23, 2004.



Gary Lawrence

## CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Vinson & Elkins, do hereby certify that I have on this 26th day of April, 2004 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "WITHDRAWAL OF COUNTERPROPOSAL" to the following:

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